

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KATHLEEN VALENTINI et al.,

Plaintiffs,

-v-

GROUP HEALTH INCORPORATED et al.,

Defendants.
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20-CV-9526 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On November 12, 2020, Defendant CareCore National LLC d/b/a eviCore (“eviCore”) removed this case from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. (Dkt. 1.) In the Notice of Removal, eviCore represented that the Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because (1) the amount in controversy is over \$75,000 and (2) Plaintiffs are citizens of North Carolina, eviCore is a citizen of South Carolina and Delaware, and Defendants Group Health Incorporated (“GHI”) and Emblem Health, Inc. (“Emblem”), while both citizens of New York, were not properly served. (*Id.*)

On November 19, 2020, Defendant eviCore submitted a letter requesting a pre-motion conference for its anticipated motion to dismiss. (Dkt. 6.) On November 24, 2020, counsel for eviCore, GHI, and Emblem submitted a letter stating that GHI had in fact been served prior to eviCore filing its Notice of Removal. (Dkt. 8.) Specifically, GHI was served via the Secretary of State as its statutory agent on October 23, 2020, but the Secretary of State did not mail the Summons and Complaint to GHI until November 12, 2020. (*Id.*) Accordingly, GHI sought to both correct the record and request an extension until December 8, 2020 to respond to the Complaint.

It is hereby ORDERED that GHI's request is GRANTED, and that GHI shall have until December 8, 2020 to respond to the Complaint. The Court emphasizes that should Defendants discover that Emblem was also properly served, they must promptly notify the Court and address whether the Court has jurisdiction over this case. It is further ORDERED that Plaintiffs shall have until December 2, 2020 to respond to Defendant eviCore's pre-motion letter.

Dated: November 24, 2020
New York, New York



JOHN P. CRONAN
United States District Judge